

## REMARKS

In the aforementioned Office Action, claims 1-24 were examined and rejected. Applicants are amending the claims 1-9 and 17-19. In view of the foregoing amendments and following remarks, Applicants hereby respectfully request reconsideration of the Application.

### Rejection under 35 U.S.C. § 102

In paragraph 2 of the Office Action, the Examiner rejected claims 1,2,3,8-12,15,16, and 18,19, and 24 under 35 U.S.C. § 102(b) as being anticipated by *Lourette et al.* (U.S. Patent No. 5,978,016). Applicants respectfully traverse.

With regard to claim 1, the claim has been amended to recite a “portable electronic device”. Amended claim 1 also requires the program be “executed by a portable electronic device coupled to an image capture device.” The Applicants submit that *Lourette et al.* does not teach or suggest “an image management” program executed on a portable electronic device. The Examiner contends the program contained in the ROM of the camera is executed by an electronic device. However, Applicants submit that the camera is not a portable electronic device coupled with an image capture device capable of executing an image management program as presented in claim 1. The present invention provides that the execution of the image management program be distinct from the image capture device. Applicants submit that the portions of *Lourette et al.* referred to by the Examiner suggest a program executed on the image capture device, and not, as found in the present invention, executed on a portable electronic device coupled to an image capture device as claimed.

Examiner also makes reference to a ROM operating on the image capture device as providing the image management program. The Examiner references

the microcontroller of the digital subsystem unit as executing “the instruction sets saved in the ROM to control the camera.” Applicants point out that the ROM disclosed by *Lourette et al.* does not contain “an image management program,” rather a set of instruction providing functionality for “a serial data communications channel for host communication, timers for monitoring or controlling the lengths of events, an LCD controller for providing image data to the main screen display unit 36, and some digital signal processing (DSP) capabilities to facilitate processing image data” (see column 9, lines 4-9).

Further, Applicants submit that the instruction set contained in the ROM of the camera disclosed by *Lourette et al.* does not provide a user interface comprising at least one interactive icon capable of being activated by a user. The Examiner references FIG. 20 as teaching a user interface. However, Applicants submit that the user interface of FIG. 20 is provided by a program executed on a host computer. The user interface is not provided by the instruction set contained in the ROM on the camera. Thus, the Examiner fails to point out where *Lourette et al.* teaches a portable electronic device providing a user interface comprising at least one interactive icon capable of being activated by a user.

Applicants submit that the host computer is not a portable electronic device coupled with an image capture device capable of executing an image management program as presented in claim 1. *Lourette et al.* teaches controlling the camera by means of a host computer or remote host computers offering a user interface to the camera. The host computer or the remote host computer is not a portable electronic device and does not executed the image management program referred to by the Examiner, but executes a program that presents virtual switches that correspond to physical switches of the camera. Application of

the virtual switches triggers execution of the instruction set contained in the ROM found on the camera which does not contain an image management program as described in the present invention.

Based at least upon the above remarks and the amendment presented herein, Applicants respectfully submit that *Lourette et al.* does not anticipate claim 1, and request that claim 1 be allowed. Furthermore, since claims 2 and 3 depend from claim 1, Applicants submit that *Lourette et al.* does not anticipate claims 2 and 3 for at least the same reasons given above in conjunction with claim 1, and request that claims 2 and 3 be allowed.

With regard to claim 8, the claim has been amended to recite a “portable electronic device,” having an “image management engine loaded into said memory and executed by said processor, the image management engine capable of implementing a plurality of functions for capturing, managing and viewing said images”. Applicants respectfully traverse. The Applicants submit that *Lourette et al.* does not teach or suggest “an image management” program executed on a portable electronic device.

The Examiner states that *Lourette et al.* discloses an “image management engine...capable of implementing a plurality of functions for capturing, managing and viewing said images (see column 21, lines 24-60).” As in claim 1, Applicants first submit that neither the camera nor the host computer is a portable electronic device as described by the present invention. Further, the host computer does not implement the functions for capturing, managing and viewing live or stored images on a portable electronic device.

Upon careful review of *Lourette et al.*, Applicants submit that upon execution the camera control program stored in memory of the host computer (FIG. 19), a "working image is captured every second and supplied from the working memory 124 to the host computer 232 via the data communication port 136 under control of the microcontroller 120 (see column 21, lines 16-20)." Specifically, the camera control application of the host computer in *Lourette et al.* does not capture and manage live or stored "images on the portable electronic device". The images are captured by the camera and stored in memory on the camera. The images later may be transferred to the host computer. In the present invention, capturing and managing live or stored images occur on the portable electronic device. Applicants submit that *Lourette et al.* does not suggest, teach, or disclose an "image management engine" as claimed.

Based at least upon the above remarks and the amendments presented herein, Applicants respectfully submit that *Lourette et al.* does not anticipate claim 8, and request that claim 8 be allowed. Furthermore, since claims 9-12, 15, 16, and 18 depend from claim 8, Applicants submit that *Lourette et al.* does not anticipate claims 9-12, 15, 16, and 18 for at least the same reasons given above in conjunction with claim 8, and request that claims 9-12, 15, 16, and 18 be allowed.

With regard to claim 19, the claim provides "a method for managing live images" executed on a portable electronic device. The Examiner contends that *Lourette et al.* discloses "a method for managing live images" on an electronic device. As in claim 1, Applicants first submit that neither the camera nor the host computer is a portable electronic device. Upon closer inspection of the reference

pointed to by the Examiner, *Lourette et al.* discloses “virtual control switches to activate the corresponding function in the camera,” (see column 21, lines 7-8). In the present invention, application of an “image control function” executes the corresponding program on the portable electronic device. The “image control functions” of the present invention execute on “live images” contained on the portable electronic device. In contrast to the present invention, the camera stores the images in the camera’s memory until transferred to the host computer, thus Applicants submit that *Lourette et al.* does not disclose a “a method for managing live images” executed on a portable electronic device.

Based at least upon the above remarks and the amendments presented herein, Applicants respectfully submit that *Lourette et al.* does not anticipate claim 19, and request that claim 19 be allowed. Furthermore, since claims 20 and 24 depend from claim 19, Applicants submit that *Lourette et al.* does not anticipate claims 20 and 24 for at least the same reasons given above in conjunction with claim 19, and request that claims 20 and 24 be allowed.

#### Rejection under 35 U.S.C. § 103

In paragraph 4 of the Office Action, the Examiner rejected claims 4-7, 13, 14, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Lourette et al.* in view of *Tanaka et al.* (U.S. Patent No. 6,120,379). Applicants submit that the combination of *Tanaka* with *Lourette et al.* does not remedy the deficiencies of *Lourette et al.* discussed above in conjunction with independent claims 1 and 8. Based at least upon the above remarks with respect claims 1 and 8 and the amendments presented herein, Applicants respectfully submit that claim 4-7, dependant from claim 1, and claims 13-14, dependant from claim 8, and claim

17, dependant indirectly from claim 8, are not obvious over *Lourette et al.* in view of *Tanaka et al.*, and request that claims 4-7, 13-14 and 17 be allowed.

Further with regard to claim 4 and claim 17, on page 6 paragraph 4, the Examiner contends that *Tanaka et al.* discloses that the "image capture device cartridge" contains a ROM which stores a synthesizing program. Additionally, the Examiner states that when the electronic device is turned on, the program is transferred from the ROM of the image capture device to the CPU of the electronic device. Applicants submit that the synthesized program contained on the ROM is executed directly from the ROM in the CPU. However, in claim 4-7, 13, 14 and 17 the image management program is transferred from an image capture device to a portable electronic device for execution.

Specifically, the specification states when "the power of the body portion 20 is on, the CPU 51 starts the following operation based on the program in the ROM 45" (column 10, lines 57-59). Applicants submit that *Tanaka et al.* discloses that the CPU executes the synthesized program directly from the ROM, and the entire synthesized entire program is not transferred to the portable electronic device for execution. Applicants submit that *Tanaka et al.* does not disclose any location other than the ROM from which to execute the synthesized program.

*Tanaka et al.* discloses that "the working RAM 53 includes a plurality of storage areas (or registers) for temporarily storing various data in game process and for use in storing backup data such as scores, obtained items and lives, for example. In addition, the working RAM 53 includes a frame counter (or frame register) for counting a frame number to be written and/or read in the image RAM 57" (column 10, lines 10-16). Applicants submit that the working RAM 53 is not disclosed as containing a program transferred from the image capture device.

Further *Tanaka et al.* discloses that the only other machine-readable medium capable of storing a transferred program on the portable electronic device is a display RAM 54, which is used specifically for “storing a character code to be displayed” (column 10, line 17). Thus, Applicants submit that the synthesized program is not transferred to the working RAM 53 or the display RAM 54 of the portable electronic device in *Tanaka et al.*

Still further, *Tanaka et al.* discloses that at power up the CPU executes the instructions from the ROM and “at step S1 each area of the working RAM 53, the display RAM 54 and the image RAM 57 is initially cleared” (column 10, lines 59-61). Applicants submit that the working RAM 53 and the display RAM is “cleared” upon execution of the synthesized program contained in the ROM of the image capture device, thus the synthesized program is not transferred to these locations for execution on the portable electronic device.

Thus, Applicants submit that *Tanaka et al.* does not disclose, nor has the Examiner shown, a method wherein “said program is transferred from the image capture device to the portable electronic device for execution,” as presented in claims 4-7, 13, 14, and 17. Based at least upon the above remarks and the amendments presented herein, Applicants respectfully submit that *Tanaka et al.* does not anticipate claims 4-7, 13, 14, and 17, and request that claims 4-7, 13, 14, and 17 be allowed.

In paragraph 5 of the Office Action, the Examiner rejected claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over *Lourette et al.* in view of *Wakabayashi et al.* (U.S. Patent No. 5,097,285). Applicants respectfully submit that the combination of *Wakabayashi et al.* with *Lourette et al.* does not remedy

the deficiencies of *Lourette et al.* discussed above in conjunction with independent claim 19.

Further, *Wakabayashi et al.* provides no motivation to combine. *Wakabayashi et al.* discloses a self contained camera, and does not suggest attaching the self contained camera to a portable electronic device. *Wakabayashi et al.* discloses “film” based media, and it is not obvious to be used in a digital capacity with a portable electronic device. Based at least upon the above remarks with respect to claim 19, Applicants respectfully submit that claims 21-23 are not obvious over *Lourette et al.* in view of *Wakabayashi et al.*, and request that claims 21-23 be allowed.



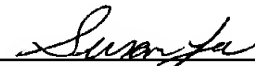
Based on the foregoing remarks, Applicants believe that the rejections in the Office Action of August 12, 2004 are fully overcome, and that the Application is in condition for allowance. If the Examiner has questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative at the number given below.

Respectfully submitted,

Dennis Boyle, et al.

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